

ORDINANCE No. 2010-176
AMENDING IMPACT FEES FOR NEW CONSTRUCTION

AN ORDINANCE OF THE CITY OF MAGNOLIA, TEXAS, AMENDING ORDINANCE NO. 2008-136 WHICH ADOPTED THE CITY'S LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN, AND IMPACT FEES FOR WATER AND WASTEWATER FACILITIES PURSUANT TO THE TEXAS LOCAL GOVERNMENT CODE ANNOTATED §395.001 ET. SEQ; DEFINING CERTAIN TERMS; PROVIDING FOR THE ASSESSMENT AND COLLECTION OF SUCH IMPACT FEES; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; BY REPLACING THE CURRENT EXHIBIT "B" THAT SETS THE AMOUNT OF IMPACT FEES TO BE ASSESSED WITH A NEW EXHIBIT "B" .

* * * * *

WHEREAS, the City Council of the City of Magnolia, Texas (the "City") adopted impact fees for new construction in 1998 and 2003 and 2008;

WHEREAS, the City Council on or about October 13, 2008, adopted Ordinance 2008-136 Amending Impact Fees for New Construction & Adoption of a Land Use Assumptions Map as required by Chapter 395 of the Texas Local Government Code;

WHEREAS Exhibit "B" of Ordinance 2008-136 set the impact fee schedule;

WHEREAS, due to unforeseen circumstances and a downturn in the economy the City Council desires to help promote development in the City of Magnolia and its ETJ and do so by amending the current impact fees for water and sewer by replacing Exhibit "B" of Ordinance 2008-136 with a new Exhibit "B" that sets forth the amended impact fees to be assessed; and

WHEREAS, the City Council finds that there has been substantial compliance with the notice provisions of Chapter 395 of the Texas Local Government Code and the City Council has called, given notice of, and conducted a public hearing regarding the amendment of impact fees pursuant to Chapter 395 of the Texas Local Government Code.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF MAGNOIA, TEXAS:**

Section 1. Findings. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. Amendment of Fees. The amended impact fees to be charged are set out in Amended Exhibit "B" attached hereto and made a part hereof for all purposes.

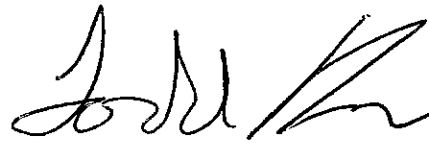
Section 3. Authorization. The City is authorized to enact this Ordinance in accordance with Chapter 395, Texas Local Government Code, which authorizes and allows cities to enact or impose impact fees (capital recovery fees) and amend such fees on land within their corporate boundaries or extraterritorial jurisdictions, as charges or assessments imposed against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to such new development.

Section 4. All other provisions and attachments of Ordinance No. 2008-136 remain in force and effect.

Section 5. Severability Clause. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Magnolia, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.


Section 6. **Effective Date.** This ordinance shall become effective on the 1 day of June, 2010.

PASSED, APPROVED, AND ADOPTED this 24TH day of May, 2010.



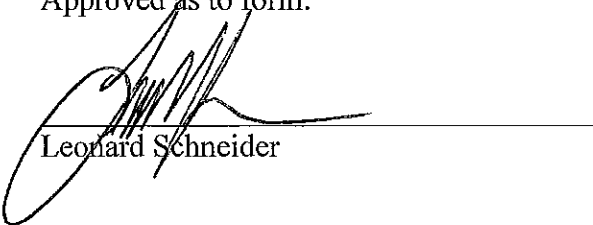
Todd Kana
Mayor

ATTEST:



~~Debra Brent~~ Beverly Standley
City Secretary Finance Clerk

Approved as to form:



Leonard Schneider

Exhibit B

Impact Fees Per Service Unit

\$1,000.00 per each water service unit

\$1000.00 per each wastewater service unit

Total impact fee for water service is calculated as follows:

(water impact fee/service unit)X

No. of service units (determined from meter size in table on next page of this exhibit B)

Total Impact fee for wastewater service is calculated as follows:

(wastewater impact fee/service unit)X

No. of service units (determined from meter size in table on next page of this exhibit B)

Impact Fee per Meter Size and Type

Water Meter		Water Meter Continuous Duty Flow Rate (gpm)		Ratio To 5/8" Meter (Multiplier)	Water Impact Fee	Wastewater Impact Fee
<u>Size</u>	<u>Water Meter Type</u>					
5/8"	Simple	10	1.0		1,000.00	1,000.00
5/8" x 3/4"	Simple	10	1.0		1,000.00	1,000.00
3/4"	Simple	15	1.5		1,500.00	1,500.00
1"	Simple	25	2.5		2,500.00	2,500.00
1 1/2"	Simple	50	5.0		5,000.00	5,000.00
2"	Simple	80	8.0		8,000.00	8,000.00
2"	Compound	80	8.0		8,000.00	8,000.00
3"	Compound	160	16.0		16,000.00	16,000.00
3"	Turbine - Low Velocity	175	17.5		17,500.00	17,500.00
3"	Turbine - Vertical Shaft Type	220	22.0		22,000.00	22,000.00
3"	Turbine - In Line (High Vel.) Type	350	35.0		35,000.00	35,000.00
4"	Compound	250	25.0		25,000.00	25,000.00
4"	Turbine - Low Velocity	300	30.0		30,000.00	30,000.00
4"	Turbine - Vertical Shaft Type	420	42.0		42,000.00	42,000.00
4"	Turbine - In Line (High Vel.) Type	650	65.0		65,000.00	65,000.00
6"	Compound	500	50.0		50,000.00	50,000.00
6"	Turbine - Low Velocity	625	62.5		62,500.00	62,500.00
6"	Turbine - Vertical Shaft Type	865	86.5		86,500.00	86,500.00
6"	Turbine - In Line (High Vel.) Type	1,400	140.0		140,000.00	140,000.00
8"	Compound	800	80.0		80,000.00	80,000.00
8"	Turbine - Low Velocity	900	90.0		90,000.00	90,000.00
8"	Turbine - In Line (High Vel.) Type	2,400	240.0		240,000.00	240,000.00
10"	Compound	1,150	115.0		115,000.00	115,000.00
10"	Turbine - Low Velocity	1,450	145.0		145,000.00	145,000.00
10"	Turbine - In Line (High Vel.)	3,500	350.0		350,000.00	350,000.00
12"	Turbine - Low Velocity	2,150	215.0		215,000.00	215,000.00
12"	Turbine - In Line (High Vel.) Type	4,400	440.0		440,000.00	440,000.00